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Docket No.: NEB-135-C

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wayne, et al. EXAMINER: W. Sandals  
SERIAL NO.: 09/664,186 GROUP: 1636  
FILED: September 18, 2000  
FOR: Method For Construction of Thermus-E. coli Shuttle  
Vectors & Identification of Two Thermus Plasmid  
Replication Origins

The Honorable Commissioner of  
Patents And Trademarks  
Washington, DC 20231

Sir:

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**RESTRICTION REQUIREMENT**

In response to the Restriction Requirement dated November 23, 2001 in which a restriction requirement under 35 U.S.C. §121, Applicants hereby provisionally elect Group I claims 1-3. Pursuant to 27 C.F.R. §1.143, Applicants simultaneously request reconsideration of this requirement in light of the remarks present below.

Xu, et al.

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Filed: September 18, 2000

Page: 2


Should the Examiner wish to discuss any of the Remarks made herein, the undersigned attorney would appreciate the opportunity to do so. Thus, the Examiner is authorized to call the undersigned collect at the number shown below.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Dated: 1/9/02

Customer No. 28986



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Gp/1636

Practitioner's Docket No. NEB-135-C**PATENT  
RECEIVED****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APR 0 2 2002

In re application of: Wayne, et al.

Application No.: 0 9 / 664,186

Group No.: 1636

Filed: September 18, 2000

Examiner: W. Sandals

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For: Method For Construction Of Thermus-E. coli Shuttle Vectors  
& Identification of Two Thermus plasmid Replication Origins**RECEIVED**Assistant Commissioner for Patents  
Washington, D.C. 20231

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**AMENDMENT TRANSMITTAL**

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1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is
- ☒ a small entity. A statement:
- ☐ is attached.
- ☒ was already filed.
- ☐ other than a small entity.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 1/10/02

Signature

Melissa A. Jackson  
Melissa A. Jackson

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

## EXTENSION OF TERM

*NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

*NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL *	MINUS **	=	x\$9 = \$	x\$18 = \$
INDEP. *	MINUS ***	=	x\$40 = \$	x\$80 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$135 = \$	+ \$270 = \$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ \_\_\_\_\_.

## FEE PAYMENT

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_  
☒ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_  
☒ to Deposit Account No. 14-0740  
☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account  
No. 14-0740


## AND/OR

- ☒ If any additional fee for claims is required, charge Account  
No. 14-0740

Reg. No.: 30901

Tel. No.: (978 ) 927-5054 X:292

Customer No.:

  
\_\_\_\_\_  
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